

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

2021 FEB 26 AM 10:26

CLERK

BY JAW
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UNITED STATES OF AMERICA

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v.

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Case No. 5:20-cr-113

)

STEPHEN SMITH,

)

Defendant.

)

)

ORDER OF REFERRAL TO DRUG COURT

The Government has filed an unopposed motion for an order of referral of the defendant to the Rutland Federal Drug Court ("RFDC"). The government represents that the Drug Court Team supports the motion.

The Court grants the order of referral and refers the case to the RFDC on the basis of the parties' agreement on the following:

1. The defendant suffers from drug addiction and such addiction played a role in his participation in the alleged offense conduct.
2. The defendant would likely benefit from treatment and rehabilitation under the supervision of the RFDC program.
3. If the defendant succeeds in the RFDC program, he will be entitled to a benefit to be determined by the RFDC Judge and the other members of the Drug Court Team. This benefit could include a time-served sentence. The United States Attorney's Office must agree to any misdemeanor resolution or the dismissal of any charge(s) based upon participation in RFDC.
4. During the period of referral to the RFDC, the RFDC Judge shall conduct all hearings related to the RFDC, as well as any hearing pursuant to 18 U.S.C. § 3148 related to a possible violation of conditions of release.

5. Upon completion or termination from the RFDC program, the defendant shall remain assigned to the RFDC Judge for further proceedings, including sentencing.

6. The defendant's sentencing shall be continued until completion or termination from the RFDC program.

7. Representation of defendant by Mark Oettinger, Esq., who is currently assigned to represent defendant pursuant to the provisions of the Criminal Justice Act, 18 U.S.C. § 3006a, is hereby terminated. Natasha Sen, Esq. is assigned as substitute counsel to represent the defendant during the time of participation in the RFDC program.

Dated at Burlington, in the District of Vermont, this 26th day of February 2021.



GEOFFREY W. CRAWFORD
Chief Judge
United States District Court